

AMENDMENT TO THE AMENDMENT
IN THE NATURE OF A SUBSTITUTE
OFFERED BY MS. DEGETTE AND MR. OXLEY
[Title III-Domestic Violence Discrimination]

Page III-17, after line 8 insert the following new subsection (and redesignate subsequent subsections accordingly):

1 “(e) DOMESTIC VIOLENCE DISCRIMINATION PROHI-
2 BITION.—

3 “(1) IN GENERAL.—In the case of an applicant
4 for, or an insured under, any insurance product de-
5 scribed in paragraph (2), the status of the applicant
6 or insured as a victim of domestic violence, or as a
7 provider of services to victims of domestic violence,
8 shall not be considered as a criterion in any decision
9 with regard to insurance underwriting, pricing, re-
10 newal, or scope of coverage of insurance policies, or
11 payment of insurance claims, except as required or
12 expressly permitted under State law.

13 “(2) SCOPE OF APPLICATION.—The prohibition
14 contained in paragraph (1) shall apply to any insur-

1 ance product which is sold or offered for sale, as
2 principal, agent, or broker, by any insured deposi-
3 tory institution or any person who is engaged in
4 such activities at an office of the institution or on
5 behalf of the institution.

6 “(3) SENSE OF THE CONGRESS.—It is the sense
7 of the Congress that, by the end of the 30-month pe-
8 riod beginning on the date of the enactment of this
9 Act, the States should enact prohibitions against dis-
10 crimination with respect to insurance products that
11 are at least as strict as the prohibitions contained in
12 paragraph (1).

13 “(4) DOMESTIC VIOLENCE DEFINED.—For pur-
14 poses of this subsection, the term ‘domestic violence’
15 means the occurrence of 1 or more of the following
16 acts by a current or former family member, house-
17 hold member, intimate partner, or caretaker:

18 “(A) Attempting to cause or causing or
19 threatening another person physical harm, se-
20 vere emotional distress, psychological trauma,
21 rape, or sexual assault.

22 “(B) Engaging in a course of conduct or
23 repeatedly committing acts toward another per-
24 son, including following the person without
25 proper authority, under circumstances that

1 place the person in reasonable fear of bodily in-
2 jury or physical harm.

3 “(C) Subjecting another person to false
4 imprisonment.

5 “(D) Attempting to cause or cause damage
6 to property so as to intimidate or attempt to
7 control the behavior of another person.